

Beaman, J

Waesche, Sheinbaum & O'Regan, P.C.

Counsel for the Plaintiff

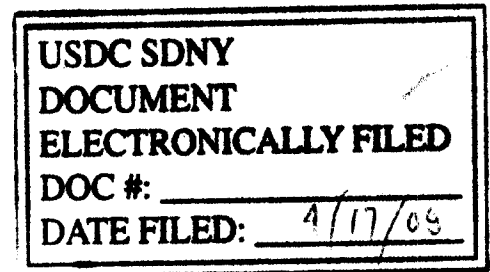
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John R. Foster (JF3635)

ECF CASE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK****COMMER INTERNATIONAL LTD.,****Plaintiff,****-against-****NORTH AFRICA FOR IMPORT & EXPORT,****Defendant.**

08 Civ 3632 RMB

**EX PARTE ORDER
DIRECTING PROCESS OF
MARITIME ATTACHMENT
AND GARNISHMENT**

Upon reviewing the Verified Complaint of the Plaintiff herein, verified on the 15th day of April, 2008, and the affidavit of John R. Foster sworn to on the same day, that to the best of his information and belief the Defendant, North Africa For Import & Export, cannot be found within this District for the purpose of an attachment under Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, and the Court having found that the conditions required by Supplemental Rule B(1) appear to exist,

NOW, upon motion of Waesche, Sheinbaum & O'Regan, P.C., attorneys for the Plaintiff, it is hereby

ORDERED that the Clerk of this Court is directed forthwith to issue Process of Maritime Attachment and Garnishment for seizure of all tangible and intangible property belonging to, claimed by, or being held for the Defendant, North Africa For Import & Export, by ABN Amro, Atlantic Bank of New York, American Express Bank, Bank of America, BNP Paribas, Citibank,

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Deutsche Bank, HSBC USA Bank NA, JPMorgan Chase Bank, Standard Chartered Bank, The Bank of New York, Wachovia Bank, and/or any other garnishee within this District on whom a copy of the Process of Maritime Attachment and Garnishment may be served, including, but not limited to, electronic fund transfers originated by, payable to, or otherwise for the benefit of the Defendant, North Africa For Import & Export, whether to or from the garnishee bank, in an amount up to and including **\$122,238.08** pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

ORDERED that following initial service by the United States Marshal or other designated person upon a garnishee, supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may thereafter be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served, provided the garnishee consents, and such subsequent service by facsimile or e-mail, if transmitted from within the District, shall be deemed to have been made within the District; and it is further

ORDERED that service on any garnishee as described above is deemed effective continuous service throughout the day from the time of such service through the opening of the garnishee's business the next business day provided the garnishee consents; and it is further

ORDERED that pursuant to F.R.C.P. 5(b)(2)(D) each garnishee may consent to accept service by any other means; and it is further

ORDERED that a copy of this Order be attached to and served with said Process of Maritime Attachment and Garnishment.

ORDERED Court conference @ 9:15 AM on July 16, 2008

Dated: New York, New York
April 16, 2008

SO ORDERED.

RMB

U.S.D.J.

Richard M. Berenson